

REMARKS

This Amendment and Response is in reply to the non-final Office Action mailed August 18, 2008. Applicant wishes to thank the Examiner for his careful review and consideration of this application.

In the subject Action, claims 14-26 were rejected; and claims 15-26 were objected to. Applicant has amended claims 15-26. New claim 27 has now been added. These amendments are fully supported, for example, at the originally filed claims, pages 6-8 and Figures 3-4 of the specification of the present application. No new matter has been entered. Claims 14-27 remain pending in the present application. In light of the foregoing amendments and the following remarks, Applicant respectfully requests withdrawal of the rejections and advancement of this application to allowance.

Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Particularly, the Office Action states that the specification does not support the term “tangentially spaced intervals” in claim 16, line 2.

Applicant has now amended the specification by adding “tangentially spaced intervals” on page 7 of the specification. Since the term “tangentially spaced intervals” has been disclosed in the originally filed claims, no new matter has been entered hereby. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

Claim Objections

At paragraph 2 of the subject Action, claims 15-26 were objected to because of various informalities. Applicant appreciates the Examiner's careful review. Claims 15-23 have been amended to correct a typographic error by replacing “according to claim 1” with “according to claim 14.” Claim 24 has been amended to correct a typographical error by replacing “according to claim 7” with “according to claim 20.” Claim 25 has been amended to correct a typographical error by replacing “according to claim 9” with “according to claim 21.” Finally, claim 26 has been amended to correct a typographical error by replacing “according to claim 12” with

“according to claim 23.” Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

It is noted that the amendments discussed in this section were not made to overcome art based rejections. Accordingly, such amendments should not be construed in a limiting manner.

Claim Rejections - 35 U.S.C. § 112

At paragraph 4 of the subject Action, claims 15-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office Action suggests that “vertical” in claim 15 be changed to --perpendicular--. The Office Action states that the limitation “tangentially spaced intervals” in claim 16 is unclear. Finally, the Office Action inquires whether the term “kidney-shaped” in claim 17 is synonymous with “curved” or “arcuate”. Applicant respectfully traverses this rejection.

Applicant has amended claims 15-17 to resolve issues raised in the Office Action. Particularly, claim 15 has been amended by changing “vertical” to “perpendicular”. Claim 16 has been amended to recite “tangentially spaced intervals between the crosspieces.¹” Claim 17 has been amended by changing “kidney-shaped” to “curved”. Withdrawal of the rejection is respectfully requested.

It is noted that the amendments discussed in this section were not made to overcome an art based rejection. Accordingly, such amendments should not be construed in a limiting manner.

Claim Rejections - 35 U.S.C. § 102

At paragraph 6 of the subject Action, claims 14, 15, 18, 22, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Frey et al. (U.S. Pub. No. 2004/0012280). Applicant respectfully traverses this rejection.

Claim 14 recites, in part, radial crosspieces that can be turned into the housing and thereby create chamfers. In a non-limiting example of advantages, in contrast to the threads of an adjusting screw, the radial crosspieces 58 have no thread lead across their circumference. See Specification, e.g., p. 6, ll. 9-10.

In contrast, Frey fails to either disclose or suggest radial crosspieces that can be turned into the housing and thereby create chamfers. Rather, Frey discloses that the elastomer element

33 is located in a set screw 34 with an external thread. The set screw 34 is used for the precise adjustment of the axial lash of the armature shaft 6. See Frey, e.g., ¶0029; FIG. 3. A set screw 34 with an external thread disclosed in Frey does not suggest radial crosspieces that can be turned into the housing and thereby create chamfers, as required in claim 14 of the present application. For at least these reasons, claim 14 is allowable.

Claims 15, 18, 22, and 23 are dependent claims and so are also believed to be allowable over the art of record. Applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

In view of the above, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claims 14, 15, 18, 22, and 23.

Claim Rejections - 35 U.S.C. § 103

Finally, the Examiner made the following § 103 obviousness rejections:

- Claim 26 - Frey;
- Claims 16 and 17 - Frey in view of Gutshall (U.S. Patent No. 4,069,730; "Gutshall I");
- Claims 21 and 25 - Frey in view of Gutshall (U.S. Patent No. 4,572,875; "Gutshall II");
- Claim 19 - Frey in view of Sangret (U.S. Patent No. 6,269,709); and
- Claims 20 and 24 - Frey in view of Adams (U.S. Patent No. 5,000,637).

Applicant respectfully traverses these rejections.

As discussed above, independent claim 14 is allowable over Frey. None of Gutshall I, Gutshall II, Sangret, and Adams overcomes the deficiencies of Frey with respect to independent claim 14. Dependent claims 16, 17, 19-21, and 24-26 necessarily include the limitations of the independent claim from which they ultimately depend and add additional limitations, respectively. Thus, dependent claims 16, 17, 19-21, and 24-26 are also believed to be allowable over the art of record. Applicant does not otherwise concede the correctness of the Examiner's rejections and reserves the right to make additional arguments as may be necessary.

In view of the foregoing, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejections.

New Claim

New claim 27 has now been added and is also believed to be allowable. The new claim is fully supported, for example, at the originally filed claims, pages 6-8 and Figures 3-4 of the specification of the present application.

Conclusion

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney at (612) 371-5347 to discuss the same.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 13-2725.

Respectfully submitted,



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